THE HON'BLE Mr. JUSTICE GODA RAGHURAM

FRIDAY, THE 24th DAY OF FEBRUARY, 2006

W.P.No. 3569 of 2006

Between:-

Elumula Dashrath

--Petitioner

And

The District Collector, Adilabad, District Adilabad and three others.

--Respondents

THE HON'BLE MR. JUSTICE GODA RAGHURAM

W.P.No. 3569 of 2006

Oral order:-

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

The petitioner's authorization has been cancelled by the order dated 02-02-2005 of the 3rd respondent for certain alleged irregularities and violation of the terms and conditions of the authorization to run a fair price shop at Hudkuli village, Sirpur (T) Mandal, Adilabad district. The petitioner unsuccessfully preferred an appeal to the 2nd respondent. The appeal was rejected by the order dated 10-01-2006. Aggrieved thereby, the petitioner preferred a revision to the 1st respondent, which is pending.

While so, complains the petitioner, the 3rd respondent issued a notification dated 02-02-2006 calling for applications for filling up the vacancies of a certain number of fair price shops in the mandal, including the shop the petitioner was earlier having authorization for, on a regular basis. The petitioner states that such permanent filling up of a vacancy is not justified, while his revision to the 1st respondent is pending.

The petitioner's contention is misconceived. As the petitioner's authorization was cancelled and his appeal also rejected by the 2nd respondent, there now exists

a regular vacancy of the fair price shop, which could legitimately be filled upon on a permanent basis. The impugned notification therefore suffers from no infirmity. However, if the petitioner succeeds in the revision petition, the petitioner would be entitled to the continuance of his authorization.

The writ petition is therefore dismissed duly observing that filling up of the regular vacancy of Hudkulli village, Sirpur (T) Mandal, District Adilabad fair price shop shall be subject to the orders to be passed by the 1st respondent in the revision petition preferred by the petitioner against the rejection of his appeal by the 2nd respondent. No costs.

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GODA RAGHURAM, J

Date: 24-02-2006

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